

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TROY ANTHONY SMOCKS,)	
Petitioner,)	
)	
v.)	No. 3:22-CV-02662-S (BT)
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

**ORDER TO SHOW CAUSE AND INSTRUCTIONS TO
PARTIES**

A petition for a writ of habeas corpus, numbered and styled as above, has been filed in this Court pursuant to the provisions of 28 U.S.C. § 2241. Pursuant to the provisions of 28 U.S.C. § 636(b) and Special Order 3, this case was automatically referred for findings, conclusions, and recommendation.

I. CONSENT TO MAGISTRATE JUDGE

Federal law provides that with the consent of all parties, the Court can reassign this case to a magistrate judge for further proceedings and entry of judgment. In the Dallas Division of the Northern District of Texas, the assignment is made to the magistrate judge randomly assigned to the case at the time it was docketed. This procedure does not adversely affect the right to appeal a judgment directly to the circuit court of appeals. A party is free to withhold consent without adverse consequences. If a consent form is not filed by each party within 20 days of the date of this order, the cause of action will proceed before the district judge to whom the case was assigned but will continue to be referred to the magistrate judge under *Special Order No. 3-251*. If all parties subsequently consent to trial by a magistrate judge, the district judge may in his/her discretion reassign the case. A consent form is attached for the convenience of the parties in case they wish to exercise this option.

II. ORDER TO SHOW CAUSE

RESPONDENT'S ANSWER: Respondent is directed to file an answer to the petition or file other pleading within sixty (60) days. A true copy of the answer or other pleading shall be served on Petitioner by mailing such documents to him at the address set out in his application or to his attorney of record, if any. Respondent shall file a certificate with the Clerk evidencing such service.

PETITIONER'S OPPORTUNITY TO REPLY: Petitioner may file a reply, provided it is filed with the Clerk not more than thirty (30) days after the date of the certificate of service shown on the answer or other pleading. A reply must be limited to the arguments raised in the answer or other pleading and shall not include any new allegations of fact or new grounds for relief. Petitioner shall mail a copy of any reply to counsel for Respondent.

SERVICE OF PETITION AND ORDER: The Clerk shall mail a true copy of this order to Petitioner or to his attorney of record. The Clerk shall electronically serve copies of all pleadings and orders in this case on the United States Attorney for the Northern District of Texas.¹

It is further **ORDERED** that at all times during the pendency of this action, Petitioner shall immediately notify the Court of any change of address and its effective date. Such notice shall be captioned "NOTICE TO THE COURT OF CHANGE OF ADDRESS." The notice shall contain **only** information pertaining to the change of address and its effective date. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of the petition for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

This action has been referred to United States Magistrate Judge Rebecca Rutherford for further proceedings and/or findings and recommendation.

¹Such service shall be directed to the attention of the Civil Chief, United States Attorney's Office.

SIGNED December 8, 2022.

A handwritten signature in black ink, appearing to read 'RR', is positioned above a horizontal line.

REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

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**CONSENT TO PROCEED BEFORE A UNITED STATES
MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to the above captioned civil matter hereby waive their right to proceed before a District Judge of the United States District Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the above styled case and order entry of a final judgment.

<u>Party or Counsel of Record</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

ORDER OF REASSIGNMENT

IT IS HEREBY ORDERED that the above-captioned matter be reassigned to the United States Magistrate Judge Rebecca Rutherford for the conduct of all further proceedings and the entry of judgment in accordance with 28 U.S.C. § 636(c) and the foregoing consent of the parties.

DATED:

UNITED STATES DISTRICT JUDGE